



BOARD OF COMMISSIONERS LAPORTE COUNTY Office Annex

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William Hager,
President

Michael Bohacek,
Vice President

Barbara Huston,
Member

LAPORTE COUNTY COMMISSIONERS

TUESDAY, JUNE 17, 2008

The LaPorte County Board of Commissioners met in a regular session on Tuesday, June 17, 2008, at 10:00 a.m. in the LaPorte County Complex meeting room #3.

Commission President William Hager called the meeting to order at 10:00 a.m.

Present at the meeting were Commission President William Hager, Commission Vice President Michael Bohacek, Commission member Barbara Huston. Also present, LaPorte County Auditor Teresa Shuter, LaPorte County Attorney Robert Szilagyi, and Executive Secretary Reathel Noveroske.

PLEDGE OF ALLEGIANCE

Mrs. Shuter led the Pledge of Allegiance.

APPROVAL OF AGENDA

Mrs. Huston, I have a few corrections and additions to the agenda. Under Requests, Robert Schaefer for the Entrepreneur Center and not William Hedge. Under New Business, add item M as NICTD parking at Royal Metals property for the Taste of Chicago.

Mr. Bohacek, under New Business, add Item N, suspension of Nexus contract.

Mr. Hamilton, under New Business, add Item O, ordinance for flood hazard areas

Mr. Bohacek made a motion to approve the agenda as amended, second by Mrs. Huston, motion carried with voice vote 3-0.

APPROVAL OF MINUTES

Mr. Bohacek made a motion to approve the minutes of June 3, 2008, second by Mrs. Huston. Motion carried with a voice vote 2-0. Mr. Hager abstained as he was not at the June 3, 2008 meeting.

WEEKLY REPORTS

Commissioners review and sign the weekly reports during the meeting.

CLAIMS

Mrs. Huston made a motion to approve payroll ending June 27, 2008, second by Mr. Bohacek, motion carried with a voice vote 3-0.

Miscellaneous Claims—\$ 322,952.33, motion to approve by Mr. Bohacek, second by Mrs. Huston, motion carried with a roll call vote 3-0.

Regular Claims—\$2,532,201.33, motion to approve by Mrs. Huston, second by Mr. Bohacek, motion carried with a roll call vote 3-0.

CORRESPONDENCE

Mike Williams, President/ Indiana Testing, Inc.

Mr. Williams presented his case on the on-site drug & alcohol testing program and how to prepare for a DOT audit.

Mr. Hager, we will take this under advisement and thank you very much for coming.

REQUEST

Robert Schaefer/Entrepreneur Center Michigan City donation

Mr. Schaefer, on behalf of the Entrepreneur Center Michigan City, thank you for your past financial support. Your support last year helped to leverage a \$121,600 grant from the State's Office of Community and Rural Affairs. We are requesting another \$10,000 donation from the LaPorte County Board of Commissioners for this year's operations.

Mrs. Huston made a motion to approve \$10,000 for the Entrepreneur Center Michigan City, from the Economic Development Fund, second by Mr. Bohacek. Motion carried with a roll call vote 3-0.

OLD BUSINESS

Attorney Ryan Beall/ Petition to Vacate Public Roadway

Atty. Szilagyi, this has already had a first reading, because there was not a majority present at the last meeting, we had to suspend the final reading.

Mr. Bohacek made a motion to approve on the second reading to vacate public roadway by an ordinance to vacate a portion of Manistee Trail, Saugany Lake, LaPorte County, Indiana, second by Mrs. Huston. Motion carried by voice vote 3-0. Ordinance Number 2008-08.

Amendment to Ordinance #2008-04 Active Military Duty

Mrs. Huston made a motion to take off the table, second by Mr. Bohacek, motion carried by voice vote 3-0.

Mrs. Huston made a motion to approve Ordinance to Amend Ordinance 2008-04 Regarding Benefits For Employees on Active Military Duty, second by Mr. Bohacek. Motion carried with a roll call vote 3-0. Ordinance Number amended to 2008-09.

Tom & Deloris Maloney/ Request Street Name Change (Tabled for Ordinance)

Mrs. Huston made a motion to take off the table, second by Mr. Bohacek, motion carried by a voice vote 3-0.

Mr. Bohacek made a motion to pass this ordinance on the second reading, second by Mrs. Huston, motion carried by a voice vote 3-0. Ordinance number 2008-10.

John Sullivan, Assistant Coroner/Approval to purchase vehicle (Tabled for bids)

Mr. Bohacek made a motion to take off the table, second by Mrs. Huston, motion carried with a voice vote 3-0.

Mrs. Huston made a motion to deny the request to purchase a vehicle for Coroner's office, second by Mr. Bohacek, motion carried by roll call vote 3-0.

NEW BUSINESS

Rick McVay, LaPorte County Highway Engineer/ Bridge 185 & 186 Bid Recommendation.

Rick McVay, we found that LaPorte Construction Company is the lowest bidder at \$715,490.39. They are a very good contractor and have done a lot of work for us. In addition to this, we are going to have to request an appropriation from Cumulative Bridge Fund for \$700,000.

Mr. Bohacek made a motion to approve LaPorte Construction Company, Inc. and also to appropriate \$700,000 from the Cumulative Bridge Fund, second by Mrs. Huston, motion carried by roll call vote 3-0.

Atty. William Hedge/Notice and Petition for Vacation of Road

Mr. Hedge, Robert & Barbara Elliott wish to vacate so much of the street that lies west of Wozniak Road, the alley between Lot 19 and Lot 20, and alley between Lot 3 and Lots 2 and 5, in the Village of New Durham, Indiana.

Mr. Hager, do we have any remonstrators against this?

Mr. Howes, I'm here on behalf of Mr. and Mrs. Volle. They have no objection to the vacation of the narrow strip that runs north and south. As to the vacation of the east /west portion, we do object as this means a potential alternate access for our property owners.

Mr. Bohacek made a motion to table this request pending Mr. McVay's recommendation, second by Mrs. Huston, motion carried by voice vote 3-0

Atty. Ralph Howes/Ordinance to Amend the LaPorte County Zoning Ordinance

Mr. Howes, I'm here on behalf of Robert Magnuson and Lakeview Funeral Home and Crematory to approve an ordinance to amend the LaPorte County Zoning Ordinance of LaPorte County, Indiana, by amending the zone map for Center Township, so as to reclassify and rezone certain real estate from R2 to general business use district. There are no remonstrators.

Mr. Bohacek made a motion to grant the proposed change to amend the zoning map for Center Township to reclassify and rezone certain real estate from R2 to general business use district, second by Mrs. Huston, motion carried by voice vote 3-0.

Mrs. Huston made a motion to suspend the rules on the second reading and pass the ordinance on the first reading, second by Mr. Bohacek, motion carried by voice vote 3-0.

Ordinance number 2008-11.

Commissioners Appointment/Community Corrections

Mr. Bohacek made a motion to accept Paula J. Nichols to fill the opening on the Community Corrections advisory board, second by Mrs. Huston, motion carried by voice vote 3-0.

Commissioners Appointment/ LaPorte County Plan Commission

Mr. Hager, we have a member who is not very active. We need to reappoint someone else.

Mr. Szilagyi, I need to send her a letter to advise her that she has a right to a hearing. If we do not hear from her, we vacate her appointment and appoint someone else.

Mr. Bohacek made a motion to table, second by Mrs. Huston, motion carried by voice vote 3-0.

Commissioners Reappointment/ Redevelopment Commission Members

Mr. Hager, due to a law change we have to reappoint the Redevelopment Commission Members. Mr. Bohacek made a motion that the Commission continue with the current appointees, second by Mrs. Huston, motion carried by voice vote 3-0.

Mrs. Huston, under the new HEA 1001 we need to appoint a non-voting school board member to the Redevelopment Commission.

Mrs. Huston made a motion to appoint Carol Shinn, if she accepts, second by Mr. Bohacek, motion carried by voice vote 3-0.

Robert Young, LaPorte County Highway Superintendent/Class 11 Bid

Mrs. Huston made motion that the bids be closed, second by Mr. Bohacek, motion carried with a voice vote 3-0.

Mr. Szilagyi, the first one is from Sem Materials and the second from Seneca Petroleum Company.

Mrs. Huston made a motion to turn bids over to Bob Young, LaPorte County Highway Superintendent for a recommendation, seconded by Mr. Bohacek, motion carried by voice Vote 3-0.

Robert Young/LaPorte County Highway Superintendent/Rieth-Riley Construction Class 12 Bid Extension

Mr. Young, Rieth-Riley has offered to extend their paving bid of 2007 prices to 2008 for paving which is a decent offer.

Mr. Bohacek made a motion to accept the offer from Rieth-Riley to extend their class 12 bid, second by Mrs. Huston, motion carried by voice vote 3-0.

George Hayes/Request to Purchase County Property

Mrs. Huston made a motion to have Mr. Szilagyi research, give notice and declare as access property, second by Mr. Bohacek, motion carried by voice vote 3-0.

Richard P. Dolan & Michael Spurling/Vacation of Easement

Mr. Dolan, Mr. Spurling and I would like to ask to vacate the easement known as Locust Lane in McCarty Acres on County Road 350 East in Rolling Prairie, IN. We are the adjoining land owners and agree to split the ownership of this property if we are granted this vacation.

Mr. Bohacek made a motion to table until proper process and notice is given, second by Mrs. Huston, motion carried by voice vote 3-0.

NICTD Use of Royal Metals for Parking

Mr. Bohacek made a motion to grant permission to NICTD to have access to the Royal Metals property for temporary overflow parking beginning June 27, 2008 through July 7, 1008, second by Mrs. Huston, motion carried by voice vote 3-0.

Ray Hamilton, Plan Commission, Building Commissioner/Ordinance for Flood Hazard Areas

Mr. Hamilton, this is required from down state to meet state requirements.

Mrs. Huston made a motion to rescind previous ordinance and adopt new ordinance on first reading, second by Mr. Bohacek, motion carried by voice vote 3-0.

Mrs. Huston made a motion to waive the rules and adopt this ordinance on the second reading, second by Mr. Bohacek, motion carried by voice vote 3-0.

Ordinance number 2008-12

Attorney Shaw Friedman/Consideration of Contract Addendum with Nexus for Re-Trending/Re-Trending Work Plan.

Mr. Friedman, I am back in front of you to move the ball forward for the re-trending work plan that has been ordered by the DLGF. We have a perfect storm in this county. A financially well funded remonstrator who brought a number of challenges in front of various state agencies and at the same time, a new DGLF commissioner. The DGLF has found that the most dramatic parts of what this petitioner was seeking were not warranted. The DGLF's final order provided not for a physical re-inspection of our properties and did not require or mandate the decision on a particular vendor for use of the re-trending. We have from the existing vendor, a proposal to move forward with the re-trending. The re-trending work plan has been put forward by the Nexus Group and part of this proposal is that they will perform the re-trending for free with a specific time table and pick up the full cost for Crowe Chizek to provide that second set of eyes. We understand the DLGF is prepared to sit down with representatives from Nexus and Crowe Chizek on June 24, 2008 to move forward with the re-trending plan. This meeting on the 24th is designed to outline the parameters that the DLGF wants to see. We have brought this before the commissioners' consideration, an addendum to the proposed Nexus contract.

Mrs. Huston, I am not completely holding Nexus at fault for this, I am also finding fault with the DLGF for several things. The council members like "free", they do not want to pay any more money out for any more reassessments. I do need a clarification on one thing, if we hire another firm, does that come out of the council or reassessment fund?

Mrs. Shuter, that will come out of the reassessment fund and it will require council approval.

Mr. Cunningham, County Council member, Crowe Chizek will not be working for Nexus. LaPorte County will pay Crowe Chizek and then LaPorte County will be reimbursed by Nexus.

Mrs. Huston, my only concern is that Crowe Chizek is a highly regarded *auditing* firm. My request is for someone, other than Crowe Chizek, who is an actual assessor or firm like Nexus, take a look at this. We can then learn where the problem lies and who actually was at fault.

Mr. Friedman, all hands should be on deck to help with the re-trending. Our other existing contract vendors such as Manatron and Ikon could be called upon, within their contracts, to provide any assistance with the re-trending.

Mrs. Huston, we have received many e-mails and letters on this subject. I have one here that is particularly disturbing from Atty. Mark Phillips. Does your letter mean there will be a law suit filed no matter who we hire for the re-trending? We have actually denied access to Nexus from the computers and data base.

Mr. Phillips, let me respond to your concern. The purpose of my earlier correspondence was that the electronically stored records of LaPorte County be preserved. We do not want to see any of those records modified, changed,

crased, or manipulated. That was the reason I sent the letter. The purpose of my letter was to see that the current data base be maintained and not disturbed, not destroyed, and not manipulated.

Mrs. Huston, I don't want to be blind sided. I want to know what we are dealing with. I need to know the parameters before we go forward with anything.

Mr. Bohacek made a motion to table this until we get parameters back from DLGF and seek to include those in any contract addendum, second by Mrs. Huston, motion carried by voice vote 3-0.

Attorney Shaw Friedman/ Consideration of Contract with Crowe Chizek for Agreed-Upon Procedures engagement to monitor/evaluate Re-Trending to comply with DLGF parameters.

Mr. Bohacek, I would move to suspend the Nexus contract as they requested.

Mr. Friedman, it would be my recommendation that you table the suspension of the Nexus contract.

Mrs. Huston made a motion to table the suspension of the Nexus contract, second by Mr. Hager, motion carried by voice vote 2-1.

PUBLIC COMMENTS

Atty. Mark Phillips, I disagree that under the new contract it doesn't have to be bid. If you are going to award a new contract, that you amend the current contract with the Nexus Group. Make sure the bidding process is honored. I understand you have a reassessment fund, what is it for, if not for reassessment?

Mrs. Shuter, we have about \$1,500,000.00 of uncommitted funds in the reassessment fund. The Council has not given permission to spend it with an appropriation. We are worried about recouping enough through the state levy to pay for the next real reassessment.

Mr. Phillips, a follow up on the comments that Commissioner Bohacek made about claims that the Nexus Group has made against the Commissioners and LaPorte County. What is the basis of those claims and how do you respond?

Mr. Friedman, this is ongoing litigation. I recommend that you do not comment on this under the public comment portion of the meeting.

Andrea Renner, City Counsel member, I am asking the Commission to move forward as quickly as possible to get this re-trending taken care of.

COMMISSIONER'S COMMENTS

Mr. Bohacek, I have listened to you, Shaw, make great public speeches, where is our Assessor? She is sitting there not saying anything.

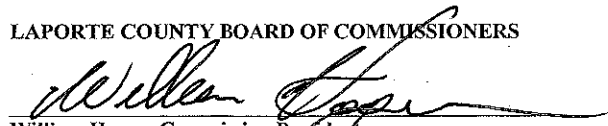
Mr. Friedman, the Assessor has been involved in every step of this process. This is a highly litigated issue with challenges from all sides and that is why she has asked for council to help make presentation.


I would like to thank Mrs. Huston and Mr. Bohacek as we are working right now on our automobiles by curtailing our fuel.

ADJOURN

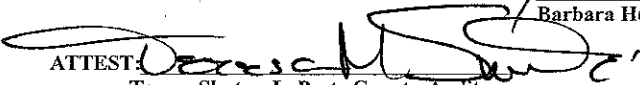
Mr. Hager adjourned the meeting at 7:41 p.m.

LAPORTE COUNTY BOARD OF COMMISSIONERS


William Hager, Commission President


Michael Bohacek, Commission Vice President


Barbara Huston, Commission Member

ATTEST: 
Teresa Shuter, LaPorte County Auditor